

IAP10 Rec'd PCT/PTO 05 DEC 2005 PCT #5  
PTO/SB/21 (08-03)

|  |  |                        |                    |
|--|--|------------------------|--------------------|
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i> |  | Application Number     | 10/530,972         |
|  |  | Filing Date            | April 11, 2005     |
|  |  | First Named Inventor   | DeFrees, Shawn     |
|  |  | Art Unit               | Unassigned         |
|  |  | Examiner Name          | Unassigned         |
| Total Number of Pages in This Submission   |  | Attorney Docket Number | 40853-01-5083-US01 |

| ENCLOSURES (Check all that apply)  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"><li>• Return postcard</li><li>• Declaration</li><li>• Supplemental Application Data Sheet</li><li>• Power of Attorney</li><li>• 3.73(b) Statement and copy of Assignment</li><li>• copy of Notice to File Missing Parts</li></ul> |
| Remarks  |  | The Commissioner is authorized to charge any additional fees to Deposit Account 50-0310.  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |  |
|--|--|
| Firm or Individual                         | Morgan, Lewis & Bockius LLP<br>Ada Wong<br>Reg. No. 55,740 |
| Signature                                  |  |
| Date                                       | November 28, 2005  |

| CERTIFICATE OF TRANSMISSION/MAILING   |                        |      |                   |
|---|------------------------|------|-------------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |                        |      |                   |
| Typed or printed name   | Kathryn A. Degliantoni |      |                   |
| Signature   |                        | Date | November 28, 2005 |

**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 65.00

**Complete if Known**

|                      |                    |
|----------------------|--------------------|
| Application Number   | 10/530,972         |
| Filing Date          | April 11, 2005     |
| First Named Inventor | DeFrees, Shawn     |
| Examiner Name        | Not Yet Assigned   |
| Art Unit             | Not Yet Assigned   |
| Attorney Docket No.  | 40853-01-5083-US01 |

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number

50-0310

Deposit  
Account  
Name

Morgan, Lewis &amp; Bockius LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity |          | Small Entity |          | Fee Description         | Fee Paid |
|--------------|----------|--------------|----------|-------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                         |          |
| 1011         | 300      | 2011         | 150      | Utility filing fee      |          |
| 1002         | 350      | 2002         | 175      | Design filing fee       |          |
| 1003         | 550      | 2003         | 275      | Plant filing fee        |          |
| 1004         | 790      | 2004         | 395      | Reissue filing fee      |          |
| 1005         | 160      | 2005         | 80       | Provisional filing fee  |          |
|              | 500      |              | 250      | Utility Search Fee      |          |
|              | 200      |              | 100      | Utility Examination Fee |          |
| SUBTOTAL (1) |          |              |          |                         | (\$)     |

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

|                    |  | Extra Claims | Fee from below | Fee Paid |
|--------------------|--|--------------|----------------|----------|
| Total Claims       |  | -20 =        | X50            |          |
| Independent Claims |  | -3 =         | X200           |          |
| Multiple Dependent |  |              | X              |          |

| Large Entity |          | Small Entity |          | Fee Description  |
|--------------|----------|--------------|----------|--|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |
| 1202         | 50       | 2202         | 25       | Claims in excess of 20                                     |
| 1201         | 200      | 2201         | 100      | Independent claims in excess of 3                          |
| 1203         | 360      | 2203         | 180      | Multiple dependent claim, if not paid                      |
| 1204         | 88       | 2204         | 44       | ** Reissue independent claims over original patent         |
| 1205         | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

12/09/2005 LLANDGRA 00000078 500310 10530972

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65.00 DA

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1051         | 130      | 2051         | 65       | Surcharge - late filing fee or oath  | 65.00    |
| 1052         | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet.                              |          |
| 1053         | 130      | 1053         | 130      | Non-English specification  |          |
| 1812         | 2,520    | 1812         | 2,520    | For filing a request for reexamination   |          |
| 1804         | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                               |          |
| 1805         | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                                  |          |
| 1251         | 120      | 2251         | 60       | Extension for reply within first month   |          |
| 1252         | 450      | 2252         | 225      | Extension for reply within second month  |          |
| 1253         | 1,020    | 2253         | 510      | Extension for reply within third month   |          |
| 1254         | 1,590    | 2254         | 795      | Extension for reply within fourth month  |          |
| 1255         | 2,160    | 2255         | 1,080    | Extension for reply within fifth month   |          |
| 1401         | 500      | 2401         | 250      | Notice of Appeal   |          |
| 1402         | 500      | 2402         | 250      | Filing a brief in support of an appeal   |          |
| 1403         | 1,000    | 2403         | 500      | Request for oral hearing   |          |
| 1451         | 1,510    | 1451         | 1,510    | Petition to institute a public use proceeding  |          |
| 1452         | 500      | 2452         | 250      | Petition to revive - unavoidable   |          |
| 1453         | 1,500    | 2453         | 750      | Petition to revive - unintentional   |          |
| 1501         | 1,400    | 2501         | 700      | Utility issue fee (or reissue)   |          |
| 1502         | 800      | 2502         | 400      | Design issue fee   |          |
| 1503         | 1,100    | 2503         | 550      | Plant issue fee  |          |
| 1460         | 130      | 1460         | 130      | Petitions to the Commissioner  |          |
| 1807         | 50       | 1807         | 50       | Petitions related to provisional applications  |          |
| 1806         | 180      | 1806         | 180      | Submission of Information Disclosure Stmt  |          |
| 8021         | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties)           |          |
| 1809         | 790      | 2809         | 395      | Filing a submission after final rejection (37 CFR § 1.129(a))                        |          |
| 1810         | 790      | 2810         | 395      | For each additional invention to be examined (37 CFR § 1.129(b))                     |          |
| 1801         | 790      | 2801         | 395      | Request for Continued Examination (RCE)  |          |
| 1802         | 900      | 1802         | 900      | Request for expedited examination of a design application                            |          |
| 1081         | 250      | 2081         | 125      | Utility Application Size Fee - for each additional 50 sheets that exceeds 100 sheets |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$65.00

**SUBMITTED BY****Complete (if applicable)**

|                   |             |                                   |                   |           |                |
|-------------------|-------------|-----------------------------------|-------------------|-----------|----------------|
| Name (Print/Type) | Ada O. Wong | Registration No. (Attorney/Agent) | 55,740            | Telephone | (415) 442-1000 |
| Signature         |             | Date                              | November 28, 2005 |           |                |

40853-01-5083-US01  
J1m (10)

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

|                             |                       |                    |
|-----------------------------|-----------------------|--------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO.   |
| 10/530,972                  | Shawn De Frees        | 40853-01-5083-US01 |

**DOCKETED**

43850

MORGAN, LEWIS & BOCKIUS LLP (SF)  
2 PALO ALTO SQUARE  
PALO ALTO, CA 94306RECEIVED DOCKETING  
OCT 8 4 2005  
MORGAN LEWIS  
PALO ALTO OFFICE

|                               |               |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. |               |
| PCT/US03/31974                |               |
| IA. FILING DATE               | PRIORITY DATE |
| 10/08/2003                    | 10/10/2001    |

CONFIRMATION NO. 2406

371 FORMALITIES LETTER



\*OC000000017119135\*

Oath/Decl + FEES Due: 28 Dec 05  
Oath/Decl + FEES Final: 28 Apr 06

Date Mailed: 09/28/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 04/11/2005
- Biochemical Sequence Listing filed on 04/11/2005
- Request for Immediate Examination filed on 04/11/2005
- U.S. Basic National Fees filed on 04/11/2005
- Priority Documents filed on 04/11/2005
- Specification filed on 04/11/2005
- Claims filed on 04/11/2005
- Abstracts filed on 04/11/2005
- Drawings filed on 04/11/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19,

2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Additionally the following defects have been observed:

- The International Search Report has not been supplied, the Search Fee has been adjusted to reflect this omission.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

**PART 1 - ATTORNEY/APPLICANT COPY**

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO.   |
|-----------------------------|-------------------------------|--------------------|
| 10/530,972                  | PCT/US03/31974                | 40853-01-5083-US01 |